

PLANNING COMMITTEE

26th August 2020

THE FOLLOWING ALTERATIONS AND AMENDMENTS HAVE BEEN
RECEIVED SINCE THE PLANNING OFFICER'S REPORT WAS
PRESENTED TO MEMBERS

- 1.1. The Committee report as drafted lost some clarity from joint writing remotely. The key points are corrected below but the essence of the report and the objection remain the same. An officer will be at the meeting to present points of clarity if needed.

Information supplementary to Para. 4.5

- 1.2. The Habitat Regulations are a staged legal process to assess whether a project is likely to have a significant effect on a designated site's conservation objectives, and if or what mitigation can be provided to avoid this. The rules for how these regulations are applied are set out in the Conservation of Habitats and Species Regulations 2017. These apply to many forms of development and include Local Plans and Planning permissions. It is the duty of the body implementing the project to assess this, and to then provide this to the "competent authority" who are determining whether the application can go ahead.
- 1.3. For the SPD the competent authority will be Buckinghamshire Council. The introduction makes it clear it only applies within the Chiltern and South Bucks area, but this does not carry through the document where it refers instead to "all net new residential development within a defined zone of influence (500m-5.6km)" (e.g para. 3.1.4.). The SPD is supplementary to existing policies in the Chiltern and South Bucks' adopted Core Strategies (eg CS24 and Core Policy 9).
- 1.4. The legislation places a duty on Planning applications within Slough to be considered by Slough Borough Council as the Competent Authority. The Local Plan in Slough will consider and apply the Habitat Regulations to its policies. This process has begun with the Issues and Options report.

Information supplementary to Para. 4.14

- 1.5. The detail of the projects and costs and allocation of £2,023.87 contribution to the SAMSS per net home are set out in table 3.1. This is payable to the owners of the Beeches, the City of London. Appendix 1(b) refers to the additional monitoring fee of £541.02 as payable to Buckinghamshire Council to cover legal costs and disbursements in connection with the unilateral undertaking. The methodology for its calculation are not clear and will be the subject of further discussion to ensure they are not considered applicable to Slough.

Information supplementary to Para. 4.15

- 1.6. There is no "duty to cooperate" with neighbouring Planning Authorities within these regulations, but Slough consider it would have been good working practise to do so.

1.0 Consultation Responses:

- 1.7. Correction: the Environmental Quality (Air Quality) consultation response within the Planning Committee Report did not reflect the most up to date response, which were received on 6th August 2020 as follows:

Air quality modelling has been undertaken based on the calculated trip rates and traffic flows, and proposed plant associated with the operation of the site. Following assessment of the revised air quality assessment by the specialist air quality consultants on behalf of Council's Environmental Quality Team, the existing and proposed sensitive residential receptors would not be exposed to unacceptable levels of pollution as a result of the traffic movements or plant. Due to the number of diesel generators associated with the datacentre, it is required that the applicant submits a permit application; therefore emission impacts will be addressed further during the Environment Agency permitting process.

As there would be an increase in traffic movements through the Air Quality Management Areas the proposal would result in an increase in pollution in these areas, however, this impact would be acceptable subject to appropriate mitigation which has now been agreed by the applicant.

- 1.8. The following consultation responses has been received since the Planning Committee Report was published:

Environmental Quality (Air Quality):

Offsite HGV Noise:

The submitted noise assessment states that 'In accordance with the guidance presented within 'Design Manual for Roads and Bridges' (DMRB) HD 213/11 section 3, a 25% increase in road traffic volumes would be required to result in a 1 dB(A) change in noise level. The tables above demonstrate that there are no potential changes above 25% and therefore a noise level change of less than 1 dB(A) is predicted in all surrounding areas of the Proposed Development.'

I have done some checks, and believe that once the changes have been made, there will be no potential changes above 25%. The highest increase I came across was 21.6%.

Therefore using DMRB, there would be less than a 1dB(A) increase and therefore would not be significant.

Case Officer Response: Given the above advice, the proposal is not considered to have an unacceptable impact on neighbouring properties, however there would appear to be an increase in noise levels, and therefore limited negative weight is added to the planning balance.

Onsite Noise:

Following collaboration with the applicant and planning officers; the following planning conditions for onsite noise are agreed:

1. Noise assessment for northern business area

Alongside each reserved matters submissions for each individual part of the commercial elements of the development hereby approved, a detailed noise assessment and mitigation scheme shall be submitted to and approved by the Council in writing.

a) The scheme will demonstrate:

- i. how the overall sound rating level from normally operating plant will not exceed 2dB(A) above the background noise levels at existing noise sensitive receptors; and
- ii. how noise levels from normal external operations will not exceed 55 dB LAeq(1 hr) during the daytime (07:00 – 23:00); or 45 dB LAeq(1 hr) during the night-time (23:00 – 07:00); or 60 dB LAmax(15 mins) during the night-time (23:00 – 07:00) as determined by measurement or calculation at free field locations representing facades of dwellings at existing noise sensitive receptors.

b) Cumulative noise from the operational use of the commercial development will not exceed 2dB(A) above background noise levels at noise sensitive receptors. Noise levels from external operations will not exceed 55 dB LAeq(1 hr) during the daytime (07:00 – 23:00); or 45 dB LAeq(1 hr) during the night-time (23:00 – 07:00); or 60 dB LAmax(15 mins) during the nighttime (23:00 – 07:00) as determined by measurement or calculation at free field locations representing facades of existing noise sensitive receptors.

The assessment will be made in accordance with BS 4142:2014+A1:2019 and BS8233:2014. The approved noise mitigation scheme will be fully implemented in the construction and operation of the development and thereafter retained indefinitely.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

2. Noise assessment for the residential area

Alongside the reserved matters application for the residential development, a detailed noise assessment and mitigation design report shall be prepared. The assessment will include consideration of potential noise impacts from road, rail and air traffic and from the existing commercial operations to the east, the railway line to the south and the proposed commercial operations to the north on the sensitive internal and external elements of the proposed residential development. The assessment shall be made in accordance BS4142:2014+A1:2019 and with reference to BS8233:2014. Confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Council and shall be adhered to thereafter.

The assessment will include a noise mitigation scheme which will demonstrate how the design, orientation, internal layouts and additional mitigation measures will minimise adverse noise impacts and provide an acceptable level of amenity for future residents. The scheme will include detailed specifications for any acoustic enclosures, screening, glazing, ventilation and cooling that are identified as necessary to protect the future residents. In the event that windows will need to be closed to provide acceptable internal noise levels, an overheating assessment will also need to be submitted and approved by the Local Planning Authority.

The measures set out in the approved mitigation scheme will be fully implemented in the construction of the residential development and retained in good working order at all times in the future.

Reason: to ensure occupants of the proposed residential development are not exposed to unacceptable noise levels. In accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

Case Officer Response: the above conditions are considered to provide appropriate protection for the neighbouring occupiers in relation to noise generated within the site.

1.9. Canal & River Trust:

The Canal and River Trust now agree that a method statement to protect the embankment can be secured by condition.

The Trust continues to be of the opinion that the applicant's Flood Risk Assessment should include breach risk modelling of the canal embankment to satisfy the requirement for the probability and potential consequences of flooding from all sources to be assessed. It remains the case that the Trust has seen no evidence to substantiate the claim by the applicant that the 13m buffer strip adjacent to the canal embankment would allow for any flow from a theoretical breach to be managed and conveyed on the surface towards the eastern boundary where it will drain into the site surface water drainage outfall.

We have previously suggested that the refurbishment of stop plank grooves in the canal may be a means of providing off-site management of the risk. These would allow the Trust to manually deploy stop planks in the canal to allow the flow of water to be slowed or halted in the event of a breach. Given that they require human intervention following the discovery of a breach, these are not considered to be an alternative to a proper understanding of the risk but in the event that the council is not minded to require further flood risk assessment work we would suggest that the cost to the Trust of refurbishing these stop plank grooves is met by the development. The Trust estimates the cost of this work to be somewhere in the region of £75000. We would be happy to provide a refined estimate prior to the agreement of any planning obligation.

Case Officer Response: given the canal would be appropriately protected during the construction, and the site is not within a flood zone 2 or 3, the provision of stop planks is considered an appropriate compromise. The section 106 will include the finalised sum.

1.10. Local Highway Authority:

Obligations should be put in place to ensure HGVs should not travel north of Petersfield Avenue because Wexham Road would not be suited for HGVs.

2.0 Further information

2.1. In response to the Landscape Advisor's request for offsite tree planting, Planning Officers are aware of a tree planting project proposed to the north of the site within Uxbridge Road. Planning Officers will obtain further information on this and should there be available sums within the viability surplus, then they will be allocated towards this.

2.2. In response to a Member's request for information on recent housing completions :

For the year 2019/2020 key housing figures are :

Net additional new homes : 503 (Gross : 514).

Mix (gross completions) :Houses 51 and Flats 463

Over the last 6 years the proportion of houses and flats built is Houses 29% and Flats 71%

A full report will be made at the September Planning Committee.

3. Changes to the planning balance and recommendation

3.1. Change to the planning balance and recommendation set out in paragraph 41.2 of the planning committee to include the limited negative weight from offsite HGV movements, in addition the time limited for the section 106 has been revised to six months to be consistent with other recommendations:

The report identifies that there are a number of outstanding issues to resolve which are listed below. Assuming these will be satisfactorily addressed, Planning Officers consider the proposal would comply with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are some conflicts with the Development Plan, namely:

- 1) The likely harmful impact in the character of the area as a result of the dominating visual relationship with the existing residential houses particularly when viewed from Wexham Road and St Pauls Avenue and the separation between Block C (6 storey) and Block D (6 story) that would tower over and enclose the street and footways (**considerable negative weight**)
- 2) The likely impacts on the residential amenity at 100 and 100A Wexham Road (**considerable negative weight**)
- 3) The likely sub-standard living conditions and quality of life issues in terms of onsite public open space, daylight, sunlight, outlook and privacy for a small proportion of flats (**considerable negative weight**)
- 4) The minor increase in noise levels from offsite HGV movements (**limited negative weight**)

The report also identifies that there would be the following benefits:

- 1) Onsite net gains in biodiversity which is a policy requirement (**limited positive weight**)
- 2) The provision of up to 1000 new homes at a time where the housing need cannot be met (**substantial positive weight**)
- 3) The provision of up to 250 (or 25%) onsite affordable housing units (**substantial positive weight**)
- 4) Creating likely significant employment opportunities as well substantial direct and indirect economic benefits (**substantial positive weight**)
- 5) Decontamination of the site (**substantial positive weight**)
- 6) Replacing old industrial buildings with more energy efficient modern buildings which meet the carbon mission standards set by development plan standards (**some positive weight**).

Based on the above and at this stage of assessment, the Local Planning Authority consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole and tilted in favour of the supply of housing. On balance, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) achieve acceptable mitigation for the impact on Burnham Beeches Special Area of Conservation which satisfies Planning Officers and Natural England, and to complete the associated Appropriate Assessment;
- 2) finalise the Section 106 including any changes required
- 3) finalise and agree conditions including any changes required
- 4) any minor changes
- 5) consideration of any further neighbour / third party comments and consultations comments

B) Refuse the application if the completion of the Section 106 Agreement is not finalised by 26th May 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.